



3732

## CERTIFICATE OF MAILING

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Suzanne Skinner  
(Typed or printed name of person mailing correspondence)

Suzanne Skinner  
(Signature of person mailing correspondence)

Application Number: 10/047,587 File Date: January 15, 2002  
Examiner: Melson, Candice C. Art Unit: 3732  
Title: INTERVERTEBRAL DISC PROSTHESIS AND METHODS OF IMPLANTATION  
Our Reference Number: M112 1100

Corrected Information Disclosure Statement  
Forms PTO-1449  
Copies of Items I-Q  
Return Postcard



**PATENTS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: ) Docket Number: **M112 1100**  
**NABIL L. MUHANNA, M.D.** )  
Serial No: **10/047,587** ) Art Unit: **3732**  
Filed: **January 15, 2002** ) Examiner: **Melson, Candice C.**  
For: **INTERVERTEBRAL DISC PROTHESIS AND METHODS OF IMPLANTATION**

**CORRECTED INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

Applicant hereby voluntarily discloses the items listed on the attached Form PTO-1449 to the Commissioner for Patents. Copies of items A-I are enclosed herewith.

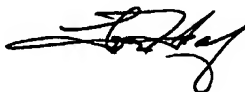
The Examiner stated in the Office Action dated August 1, 2003, that the IDS filed on April 11, 2002 failed to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. patent, foreign patent or publication. After a telephone conference with Keats A. Quinalty (of our office), it is believed that the Examiner never received copies of references A-I which were included in the IDS filed on April 11, 2002.

It is believed that the fee should not have to be paid at this time, but the Commissioner is hereby authorized to charge any fees necessary to our Deposit Account No. 09-0528.

Applicant further reserves the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as references, and/or to prove that some of these documents may not be prior art, and/or to prove that some of these documents may not be enabling for the teachings they purport to offer. This statement further should not be construed as the representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present Application. The Examiner is specifically requested not to rely solely on the materials submitted herein. On the contrary, the Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449 and to indicate in the official file wrapper of the above-identified patent application that the items have been considered.

Respectfully submitted,



Louis T. Isaf  
Reg#29,078

Date: February 21, 2004

File: **M112-1100**



Form PTO-1449

## INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Attorney Docket No.  
M112 1100Serial No.  
10/047,587Applicant  
Nabil L. Muhanna, M.D.Filing Date  
01/15/02

Group

## U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	6,146,422	11/00	Lawson	623	17	
	B	4,349,921	09/82	Kuntz	3	1	
	C	5,314,477	05/94	Marnay	623	17	
	D	5,674,296	10/97	Bryan et al.	623	17	
	E	6,096,080	08/00	Nicholson et al.	623	17	
	F	3,875,595	04/75	Froning	3	1	
	G	6,140,452	10/00	Felt et al.	528	60	

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	H	WO 99/11203	03/99	PCT	A61F	2/44		

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	I	Experience and Short-Term Results with No-React Cardiovascular Implants – Chapter 15 - Advances in Anticalcific and Antidegenerative Treatment of Heart Valve Bioprstheses,
		First Edition, edited by Shlomo Gabbay, M.D., David J. Wheatley, M.D., Silent Partners, Inc, pages 189-196 – 1997
	J	Unsurpassed Cytocompatibility Carotid and Peripheral Vascular Patch – Shelhigh No-React
	K	VascuPatch – Shelhigh, Inc. (believed to be known by others prior to 1/17/01)
		Shelhigh N-React – Pericardial Patch – Clinical Results – Shelhigh, Inc. – 0318 (believed to be known by others prior to 1/17/01)

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXAMINER'S SIGNATURE:

DATE CONSIDERED:





Form PTO-1449  <b>INFORMATION DISCLOSURE CITATION</b>  (Use several sheets if necessary)	Attorney Docket No. M112 1100	Serial No. 10/047,587
	Applicant Nabil L. Muhanna, M.D.	
	Filing Date 01/15/02	Group

## U.S. PATENT DOCUMENTS

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
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							MAR 03 2004
							TECHNOLOGY CENTER R3700

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	O	Construction Factors Influencing The Shelhigh Porcine Bioprosthesis – Chapter 18 – Advances in Anticalcific and Antidenerative – Treatment of Heart Valve Bioprotheses, First Edition, edited by Shlomo Gabbay, M.D., David J. Wheatley, M.D., Silent Partners, Inc., pages 221-231 – 1997
	P	Structure of The Human Intervertebral Disk – Diwan et al. – Current Concepts in Intervertebral Disk Restoration – Pages 454-464 – 2000
	Q	REVIEW – The Artificial Disc: Theory, Design and Materials – Qi-Bin Bao et al. - Biomaterials 1998 – Pages 1157-1167 - 1996

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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